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League of Nations

[*Communicated to the Council and the Members of the League.*]

C. 664. M. 295. 1923. VII.

Geneva, December 1st, 1923.

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MEMEL TERRITORY

Note by the Secretary-General :

The Secretary-General has the honour to forward to the Council and the Members of the League a letter from the Conference of Ambassadors dated September 28th, to which are attached the text of a decision adopted by that Conference on September 25th, 1923, and a file with regard to the situation created at Memel by the Lithuanian Government's attitude.

LETTER FROM THE CONFERENCE OF AMBASSADORS TO THE SECRETARY-GENERAL.

[*Translation.*]

SIR, Paris, September 28th, 1923.

I have the honour to forward to you :

1. The text of a Decision adopted by the Conference of Ambassadors on September 25th, 1923, with regard to the situation created at Memel by the attitude of the Lithuanian Government ;

2. An annexed file including the following documents :

(a) The Decision adopted by the Conference of Ambassadors on February 16th, 1923 ;

(b) A telegram from the Conference of Ambassadors to the French Representative at Kovno, dated March 7th, 1923 ;

(c) A telegram from the French Representative at Kovno, dated March 8th, 1923 ;

(d) A telegram from the Conference of Ambassadors to the French Representative at Kovno, dated March 9th, 1923 ;

(e) A telegram from the French Representative at Kovno, dated March 11th, 1923.

(f) A telegram from the Conference of Ambassadors to the French Representative at Kovno, dated March 11th ;

(g) A telegram from the French Representative at Kovno, dated March 13th ;

(h) A resolution adopted by the Conference of Ambassadors — C. A. 209. III — dated March 14th, 1923.

(i) A letter from the President of the Conference of Ambassadors to the President of the Lithuanian Delegation at Paris, dated March 14th, 1923 ;

(j) A report, dated March 6th, 1923, addressed to the Conference of Ambassadors by the Extraordinary Commission at Memel ;

(k) A report, dated July 25th, from the Commission instructed by the Conference of Ambassadors to prepare the draft of a Convention with Lithuania to settle the conditions for the transfer of the sovereignty of the Memel Territory ;

(l) A covering letter to the Draft Convention and Protocol, addressed to the Prime Minister of the Lithuanian Republic on August 8th, 1923, by the Conference of Ambassadors ;

(m) The text of the Draft Convention ;

(n) The text of the Draft Protocol ;

(o) The resolution adopted by the Conference of Ambassadors — C. A. 223. XII — dated July 27th, 1923.

(p) A telegram from the French Representative at Kovno, dated September 21st, 1923.

I shouldt be greatly obliged if you would be good enough to communicate these documents to the Council of the League of Nations.

I shall forward the complete text of the reply from the Lithuanian Government to the letter from the Conference of Ambassadors dated August 8th, 1923, as soon as that reply has reached me.

(Signed) POINCARÉ.

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1.

THE SITUATION CREATED AT MEMEL BY THE ATTITUDE OF THE LITHUANIAN GOVERNMENT.

DECISION ADOPTED BY THE CONFERENCE OF AMBASSADORS

[*Translation.*] September 25th, 1923.

The BRITISH EMPIRE, FRANCE, ITALY and JAPAN, signatories, with the UNITED STATES OF AMERICA, as the Principal Allied and Associated Powers, to the Treaty of Peace of Versailles,

Considering that, under Article 99 of that Treaty Germany has renounced in favour of the Principal Allied and Associated Powers all rights and titles to the territories lying between the Baltic Sea and the North-Eastern boundary of East Prussia, as described in Article 28 of Part II (boundaries of Germany) of the Treaty, and the former boundary line between Germany and Russia ;

Considering that the Lithuanian Government, on March 13th, 1923, formally declared its acceptance of the Decision adopted by the Conference of Ambassadors on February 16th, 1923, which lays down the conditions upon which the Principal Allied Powers intend to transfer to Lithuania the rights and titles ceded to them by Germany, in virtue of Article 99, over the territory in question, commonly described as the Memel Territory ;

Considering that the Lithuanian Government refuses to accept the Draft Convention which has been prepared in pursuance of the Decision dated February 16th, 1923 ;

Considering that, as long as this Convention has not come into force, all rights and titles to the Memel Territory continue to belong to the Allied Powers ;

Considering that the Lithuanian Government, in spite of the protests raised by the Allied Governments, has not ceased to intervene in the administration of the Memel Territory, contrary to the rights and titles of the Allied Powers and under conditions prejudicial to the autonomy of the Territory ;

Considering that the Allied Governments have thus on the one hand been provented from exercising their rights and, on the other hand, from duly effecting the transfer provided for by the Decision dated February 16th, 1923, for the benefit of the Lithuanian Government ;

Considering that the present administration of the Territory has never been accepted or approved by the vote of the inhabitants, that it has only been provisionally recognised by the Allied Governments, subject to the carrying into effect of the provisions laid down by the Decision dated February 16th, 1923 ;

Considering that the Lithuanian Government continues to prevent the port of Memel from becoming the natural outlet for the neighbouring Polish districts ;

Considering that, in consequence, there has arisen a situation affecting international relations, which threatens to disturb international peace or the good understanding between nations upon which peace depends ;

Considering the provisions laid down by Article 11 of the Covenent of the League of Nations :

Draws the attention of the Council of the League of Nations to the situation created by the attitude of the Lithuanian Government.

2.

(a) DECISION OF THE CONFERENCE OF AMBASSADORS WITH REGARD TO MEMEL.

Paris, February 16th, 1923.

The BRITISH EMPIRE, FRANCE, ITALY and JAPAN, signatories, with the UNITED STATES OF AMERICA, as the Principal Allied and Associated Powers, of the Treaty of Peace signed at Versailles on June 28th, 1919,

Considering that, by the terms of Section X (Memel), Article 99, of the said Treaty, it is laid down that :

> "Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north-eastern frontier of East Prussia, as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the former frontier between Germany and Russia.
>
> "Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants " ;

Considering that Memel and the neighbouring district were detached from Germany owing to their racial and economic affinity with the Lithuanian territories ;

Considering that, at the time of the signature of the Treaty of Versailles, the status of the Lithuanian territories had not been definitively determined, but that the Lithuanian Republic was recognised on December 20th, 1922 ;

Considering that there is no longer any obstacle to the union of Memel with Lithuania, which should therefore be established on a permanent footing ;

Considering, however, that the Territory of Memel and Lithuania have hitherto been separate and subject to different sovereignties and Governments ;

Considering that it is therefore desirable that the said Territory should be endowed with an autonomous administration and representative government, and at the same time with institutions in conformity with the modern principle of equality of treatment for all inhabitants of whatever race, language or religion, and equality of treatment as between nationals and foreigners in the exercise of civil rights and in commerce ;

Considering that the Memel region is the natural economic outlet of the neighbouring Lithuanian and Polish districts, and that for the benefit of those districts it is essential that freedom of sea, river and land transit should be established in accordance with the principles embodied in Article 23 of the Covenant of the League of Nations and in the stipulations of Chapter III of Part XII (Ports, Waterways and Railways) of the Treaty of Versailles relating to the Niemen ;

Considering that, in accordance with the practice hitherto followed in regard to territories which have already been detached from Germany, it is equitable that the cost of the administration and occupation of the territory consequent upon Germany's renunciation of her sovereignty should be borne by the territory and by the Power to which the territory is ceded ;

Considering that it is desirable to ensure the application of Articles 254 and 256 of the Treaty of Versailles concerning the expenditure entailed for the Powers to which former German territory is ceded by the acquisition of such territory ;

Decide to transfer to Lithuania the sovereign rights over the Territory of Memel upon the following conditions :

(1) The Allied Powers renounce in favour of Lithuania all rights and titles over the territory defined in Article 99 of the Treaty of June 28th, 1919 ;

(2) The establishment in the Memel Territory of an autonomous government and popular representation, together with institutions officially recognising the two languages in common use and respecting the principle of the equality of all the inhabitants of whatever race, language or religion, and of equality of treatment as between nationals and foreigners in the exercise of civil rights and in commerce ;

(3) Organisation of freedom of sea, river and land transit, due regard being paid to the interests of the Lithuanian and Polish districts for which Memel is the natural outlet ; the port of Memel to be placed under an economic administration which will contribute to its development and which will provide every guarantee, in particular, by the establishment of a free zone and by the appointment of duly qualified representatives, that the Lithuanian and Polish districts concerned will be given at that port the necessary commercial facilities ;

(4) The Memel Territory to refund, under the guarantee of Lithuania, the expenditure incurred on account of its administration and occupation and not yet recovered ;

(5) All goods and property situate in the Territory and formerly belonging to the German Empire or to other German States to be transferred to Lithuania or to the Territory, provided that Lithuania take over for herself and for the Territory the charges laid down in Articles 254 and 256 of the Treaty of Versailles ;

(6) As soon as Lithuania accepts sovereignty over the Memel Territory upon the foregoing conditions, the Conference of Ambassadors, with the assistance of representatives of Lithuania and of the Territory concerned, will draw up at Paris an Organic Statute for the Memel Territory and shall conclude a Convention with Lithuania in conformity with the present decision.

(b) TELEGRAM FROM THE CONFERENCE OF AMBASSADORS TO THE FRENCH REPRESENTATIVEAT, KOVNO *(March 7th, 1923)*.

[*Translation.*]

The Conference of Ambassadors considers that it can no longer remain in uncertainty as to the attitude which the Lithuanian Government proposes to adopt in consequence of the Conference's Decision of February 16th last concerning the future of the Territory of Memel, of which Decision it has been notified.

The Conference therefore requests you, in concert with your British and Italian colleagues, to inform the Lithuanian Government, on behalf of the Allied Governments, that it is required to submit to you before Sunday, March 11th, a written declaration stating that it accepts the Decision of February 16th without reservation and undertakes to despatch its delegates to Paris before March 15th, having furnished them with the necessary powers to carry out paragraph 6 of the Decision in its entirety as regards both the preparation of the Statute and the conclusion of the proposed Convention.

You will add that, should the Lithuanian Government fail to comply with these two requests within the periods specified, the Allied Powers reserve the right to adopt such decisions as they may think desirable, having regard to the attitude of the Lithuanian Government towards the Memel question, and will break off all negotiations with the Lithuanian Government on that subject.

You will draw the particular attention of the Lithuanian Government to the fact that the sovereignty over the Territory of Memel has not been transferred, and that there can be no question of its transfer, to Lithuania except upon the conditions specified in the Decision of February 16th.

POINCARÉ.

(c) TELEGRAM FROM THE FRENCH REPRESENTATIVE AT KOVNO TO THE CONFERENCE OF AMBASSADORS (*March 8th*, 1923).

[*Translation.*]

M. Galvanauskas' reply, to be given to us before March 11th, will be in the negative ; he has again informed us that the Lithuanian Government considers it impossible to accept the decision of the Conference of Ambassadors.

The President of the Council considers that the Memel question has reached a deadlock ; in order to find a way out he proposes to go to Paris as soon as possible in order to explain his attitude and to give the Kovno Government's reply in person.

It would appear that the object of this journey is to gain time ; my British colleague agrees with me, however, that it might result in the elucidation of certain points in the present situation. In any case M. Galvanauskas would not go to Paris as a delegate with instructions to negotiate. I should be glad if Your Excellency would inform me of your views on M. Galvanauskas' proposed journey.

PADOVANI.

(d) TELEGRAM FROM THE CONFERENCE OF AMBASSADORS TO THE FRENCH REPRESENTATIVE AT KOVNO *(March 9th, 1923).*

(*Reply to your telegram of March 8th*, 1923).

[*Translation.*]

In view of the fact that the Lithuanian Government considers it impossible to accept the Decision of February 16th, it is obvious that M. Galvanauskas' sole object in going to Paris will be to secure a modification of that Decision, and also, of course, to gain time.

The instructions sent to you by the Conference of February 16th last with regard to the notification of the Kovno Government specifically stated that the Decision was an act of sovereignty on the part of the Powers, and was therefore unalterable — a fact of which the Lithuanian Government is undoubtedly aware.

Under these circumstances there could be no reason why the President of the Lithuanian Cabinet should go to Paris.

Kindly take steps in concert with your Allied colleagues to inform M. Galvanauskas of this fact, and add that the Allied Governments are obliged to maintain in their entirety the terms of the communication which you were instructed to forward to him and which was the subject of the Conference's telegram dated March 7th.

In addition, as soon as you have received from M. Galvanauskas an official confirmation of his negative reply to the communication of March 7th, you will, in concert with your Allied colleagues, inform him that, in view of his statement to the effect that it is impossible to accept the Decision of February 16th, the Allied Governments will, as stated in the above-mentioned communication, decline to enter into any negotiations with the Lithuanian Government in regard to the Memel question and will consider any action taken in the Memel Territory without their consent as null and void.

Should you receive no official reply from M. Galvanauskas before March 11th, you will, without further instructions, give him this notification immediately upon the expiry of the period allowed.

POINCARÉ.

(e) TELEGRAM FROM THE FRENCH REPRESENTATIVE AT KOVNO TO THE CONFERENCE OF AMBASSADORS *(March 11th*, 1923*).*

[*Translation.*]

In accordance with the instructions received from the Conference of Ambassadors, my British colleague and myself made further representations to M. Galvanauskas this morning and urged him to give us the Lithuanian Government's reply to-day as we had already requested

in notifying him of the telegrams addressed to us on March 7th by the Conference of Ambassadors.

The President of the Council has now forwarded to us the following written declaration :

> "In reply to the communication, dated March 8th, 1923, from the Conference of Ambassadors, the Lithuanian Government ventures to point out that in the letter addressed by the President of the Council to the French, British and Italian representatives at Kovno on February 19th last, it took note of the Decision of the Conference of Ambassadors dated February 16th with regard to the Memel Territory and took steps to provide for the despatch of delegates to Paris as soon as it had entered into communication with the Provisional Government of Memel.
>
> "The Lithuanian Government, having entered into communication with the Provisional Government to-day, will despatch to Paris before March 15th delegates furnished with the necessary powers to draw up an organic Statute for the Territory of Memel and to conclude a Convention on the basis of the principles laid down in the Decision of February 16th."

M. Galvanauskas informed us that the Ministry had resigned some hours earlier, but would remain in office until the settlement of the domestic crisis, which appears likely to end in the dissolution of the Seim or the resignation of the President. He pointed out that, in view of this situation and of the difficulty of communications through Germany, the period granted to the Lithuanian Government for the despatch of the delegates to Paris was too short.

We replied that we could not obtain any extension of the period.

During our recent conversations M. Galvanauskas displayed an imperturbability in singular contrast with his earlier attitude of which I informed Your Excellency. He proposes to go to Paris in person.

PADOVANI.

(f) TELEGRAM FROM THE CONFERENCE OF AMBASSADORS TO THE FRENCH REPRESENTATIVE AT KOVNO *(March 11th, 1923, 9 p.m.)*.

[*Translation.*]

MEMEL QUESTION.

M. Galvanauskas' statement, which you communicated to me in your telegram of March 11th, 1923, calls for the following observations :

The Conference asked M. Galvanauskas to state in writing : (1) whether the Lithuanian Government accepted the Decision of February 16th *wilhout reservation* ; (2) whether it undertook, before March 15th, to send delegates to Paris with the necessary powers to carry out paragraph 6 of that Decision *in its entirety*.

On March 10th, M. Galvanauskas replied that the Lithuanian Government had *already taken note* of the decision on February 19th. The Conference, however, did not consider this formula sufficiently explicit and therefore instructed you to take definite steps on March 7th. Further, before giving you a written reply, M. Galvanauskas informed you, in conversation, that the Decision of February 16th was unacceptable. The position with regard to this essential point is thus contradictory and ambiguous.

M Galvanauskas also stated in his note that the delegates would leave for Paris before March 15th and would be furnished with the necessary powers to draw up the Statute and to conclude the Convention *on the basis* of the principles of the Decision. This form of expression also leaves room for ambiguity. It is laid down in paragraph 6 that the negotiations in question shall take place *in conformity* with the Decision. The discussions to take place in Paris could therefore relate only to the methods of execution and not to the actual principles. There must be no misunderstanding on this point.

Kindly explain the matter to M. Galvanauskas at once and point out to him that it is important that his note of March 10th should be made clearer without delay, by a written statement to the effect that the Lithuanian Government is prepared to accept the Decision of February 16th *without reservation* and that its delegates will be furnished with the necessary powers to *assist in drawing up the Statute and to conclude the Convention provided for in the Decision, the entire procedure to be carried out in conformity with the said Decision.*

As the Conference of Ambassadors is to meet on Wednesday, March 14th, it is essential that this twofold statement should be received before that date. Your action should not be taken in the name of the Conference, which I have not had time to consult, though I have obtained the full agreement of the British Embassy on the subject.

Lastly, be good enough to obtain an assurance that the change of Government will not in any way invalidate the undertakings given by M. Galvanauskas, or any further undertakings which he may give after the formation of the new Cabinet.

Kindly communicate this telegram to your Allied colleagues.

P. O. DE PERETTI DE LA ROCCA.

(g) TELEGRAM FROM THE FRENCH REPRESENTATIVE AT KOVNO TO THE CONFERENCE OF AMBASSADORS *(March 13th, 1923, 1 p.m.)*.

I have just received the following written communication from the President of the Council :

> "The Lithuanian Government in no way intended, by the terms of its communication of March 10th, to leave doubt as to its adhesion to the principle of the Decision of February 16th. It is anxious to avoid any misunderstanding and is therefore glad to state that it will send delegates to Paris furnished with the necessary powers to assist in drawing up the organic Statute for Memel and to conclude the Convention provided for in conformity with the Decision of February 16th, the principles of which it accepts without reservation."

In giving me this statement, which is sealed with the seal of the Minister for Foreign Affairs, M. Galvanauskas said that he hoped it would meet the requirements of the Conference of Ambassadors and that the object of the Lithuanian delegates in going to Paris was thus made perfectly clear.

He added that the public was not aware of the statement and that he feared its possible effects, particularly on domestic politics.

Such effects are indeed possible and may be dangerous, but the President of the Cabinet has done nothing during the last two months to pacify public opinion.

M. Galvanauskas also informed me that the Diet had been dissolved and that the elections would take place on May 12th and 13th. If a reconstruction of the Ministry becomes necessary before that date, M. Galvanauskas will retain the portfolio of Foreign Affairs. Until the meeting of the new Diet, he proposes to summon an Advisory Council consisting of the leaders of the various parties who will thus be made acquainted with the difficulties with which the Government has to contend.

The Delegation sent to Paris will consist of M. Galvanauskas, M. Smetona and M. Sidzikauskas. Its departure has been delayed and will probably take place on Thursday. The representatives of Memel will arrive here to-morrow.

PADOVANI.

[C. A. 209 (III).]

(h) RESOLUTION ADOPTED BY THE CONFERENCE OF AMBASSADORS *(dated March 14th, 1923)*.

MEMEL QUESTION.

It is decided :

(1) To inform the Lithuanian Government that the Conference regards M. Galvanauskas' statement of March 13th as an acceptance of the Conference's decision with regard to Memel, and that the period allowed for the despatch of the Lithuanian delegates to Paris is extended for a few days ;

(2) That the delegates of the Provisional Government of Memel shall be requested to bring with them the Chief Burgomaster and the Presidents of the Chambers of Commerce and Agriculture of Memel.

(i) LETTER FROM THE PRESIDENT OF THE CONFERENCE OF AMBASSADORS TO THE PRESIDENT OF THE LITHUANIAN DELEGATION, PARIS *(dated March 14th, 1923)*.

SIR,

The Conference is informed that the President of the Lithuanian Cabinet yesterday handed to the Allied Representatives at Kovno the following written communication :

> "The Lithuanian Government in no way intended, by the terms of its communication of March 10th, to leave doubt as to its adhesion to the principle of the Decision of February 16th. It is anxious to avoid any misunderstanding and is therefore glad to state that it will send delegates to Paris furnished with the necessary powers to assist in drawing up the organic Statute for Memel and to conclude the Convention provided for in conformity with the Decision of February 16th, the principles of which it accepts without reservation."

The Conference considers that this statement constitutes an unreserved acceptance of its Decision of February 16th, upon the conditions of which M. Galvanauskas was notified by the Allied Representatives at Kovno on March 8th. Under these circumstances the Conference is of opinion that there is no objection to the postponement for a few days, in com-

pliance with your request dated March 13th, of the date previously fixed for the arrival of the Lithuanian Delegation in Paris.

On behalf of the Conference, I have the honour to request you to be good enough to transmit the text of this note to your Government without delay.

(Signed) POINCARÉ.

(j) REPORT TO THE CONFERENCE OF AMBASSADORS BY THE EXTRAORDINARY COMMISSION AT MEMEL *(dated March 6th, 1923)*.

The Extraordinary Commission sent to Memel by the Conference of Ambassadors does not propose, in this report, to dwell upon the laborious negotiations which have been carried on with the rebel leaders in order to enable the Principal Allied Powers to decide freely on the future of the Territory. The difficulties of the Commission's work and the results achieved have been made sufficiently clear in the telegrams sent by it to the Conference It will merely endeavour to bring out, with the aid of enquiries prosecuted on the spot, the truth regarding certain extremely involved questions in connection with Memel which have been deliberately obscured or distorted by Lithuanian diplomacy and propaganda, and it will submit to the Conference of Ambassadors, together with a number of impartial documents, certain ideas which may perhaps be of assistance in the negotiations on the status of Memel.

Notwithstanding the denials of the members of the Lithuanian Government and its representative at Memel, there can be no doubt that the rising of January 10th was conceived, prepared and carried into effect by the Kovno Government It may be well to call attention to the dates. On January 3rd, M. Zilius, Lithuanian Representative at Memel, left for Kovno accompanied by M. Simonaitis, afterwards head of the Rebel Government. During the conversations which took place on January 4th, the attack upon the Territory was decided upon. Orders were immediately given by the Lithuanian Ministry of War, and officers and men of the regular army, wearing civilian clothes instead of uniform, embarked on January 6th by order of the military authorities for an unknown destination. The leader of the rebel army, who signed the proclamations posted up in the "Territory" under the name of Boudrys is, in reality, Colonel Polowinski. The Commission described him by his real name and rank, and he made no protest. It should be added that the "volunteers" are supplied with arms, ammunition and rations by the Kovno Government. Much of the money for the enterprise comes from Lithuanians in America.

The date on which the rising was decided upon is also worthy of note. It was January 4th. News of the first results of the Paris Conference regarding Reparations had then reached Kovno.

From another point of view it is doubtful whether the Lithuanian Government would have ventured to send troops into the territory occupied by the Powers unless it had received encouragement. It must be remembered that, at the very time of the Lithuanian rising at Memel, the German Government was accrediting a Minister Plenipotentiary at Kovno, and thus giving evidence of the cordiality of the relations between Lithuania and Germany.

It should also be observed that the Bolshevik Government interfered in the Memel question and that a Bolshevik agent was sent to Memel.

From the outset, the Lithuanians employed comparatively large military forces. It is estimated that from two to three thousand of the regular army crossed the frontier of the Territory. The Kovno Government thought it necessary to make this display of military forces against a single company of French Chasseurs because it was aware that its "volunteers" would not be supported by the majority of the population in the territory — would, indeed, find support only from some of the Lithuanians in Memel. These were the "Taryba," who, according to statements made to the Commission by M. Yankus, Chairman of the Committee of Public Safety, and virtual head of the Taryba, did not exceed eight to ten thousand in number before the events of January 10th.

In order fully to understand the views and the aspirations of the people of Memel, we must glance briefly at the history of the Territory.

Memel is the oldest German town in East Prussia and has never belonged to Lithuania. In the thirteenth century a number of Knights of the Brotherhood of the Sword, a branch of the Teutonic Order, came from Riga and established a colony and a fortress on the site of the town. At that time the population of the northern part of the Territory was Latvian, and that of the southern part Lithuanian. Lithuanians, Latvians and Old Prussians are racially allied, all belonging to the Baltic family. It need hardly be observed that this race has no connection with the Slav. The population of the Territory has been very largely teutonised, and that of the town is almost exclusively German. This is perfectly natural, for the German frontier has not shifted for five hundred years.

This fact is of great importance ; it involves consequences which were brought to the notice of the Commission. The latter was anxious, however, to investigate them in person and therefore travelled by road as far as the Lithuanian frontier.

The eastern frontier of the Memel Territory, which coincides with the former Russo-German frontier, marks an abrupt and sudden change from one civilisation to another, with at least a century in between them. It is the true frontier between west and east, between Europe and Asia. On this side education has been so general that there are no illiterates, even among the peasants, many of whom speak both Lithuanian and German. The country

is covered with a network of well-kept roads leading to villages of comfortable, well-built houses. The land is cultivated by modern methods. The small-holding system has been developed side by side with the system of large farms.

On the other side of the frontier, the country-people live in the direst poverty. Only those who have been in the Russian army have even the rudiments of education. Roads are almost unknown. The peasants know nothing about clearing and manuring the land and let it lie fallow for two years before resuming cultivation. Their wooden huts are small and dirty. Agrarian reform has resulted in general disorganisation, and if it is carried to a conclusion, it will ruin the large properties of Lithuania, which are already in considerable danger. Only on these properties is farming at all organised at the present time. There are other difficulties. The population of Great Lithuania is Catholic, whereas that of the Territory is Protestant. The Lithuanian language has developed differently on the two sides of the frontier.

Many Lithuanians who belong to Memel fear the consequences of annexation to Great Lithuania without secure guarantee of autonomy. They know that annexation will mean military service, heavy taxation, an increase of 400 % in the cost of living (partially due to the imposition of extremely high Customs dues), the disorganisation of economic life, and that system of bribery and concessions which is common to all countries formerly included in Russia.

On the other hand, the German population of Memel, either because it was treated as a poor relation by the East Prussian authorities (who always favoured Kœnigsberg as against Memel), or because, like many frontier towns, it contained very different racial elements, would appear to be less attached to Germany than are the other parts of the Reich. Moreover, the excellent administration of the High Commissioner of the Principal Allied Powers has shown many of the people of Memel that they can develop their trade more satisfactorily, and, being subject to less heavy taxation, can become rich more rapidly than their brothers in Kœnigsberg, if they live in a small State with a wise Government. Without doubt these circumstances have induced the majority of the population of the Territory to accept the solution consisting in the constitution of the Territory as a Free State. The Commission has received personal evidence of these feelings in the course of many interviews. Though all the prominent Germans which the Commission has met were in favour of a popular vote on the question of the independence of the Territory, no prominent Lithuanian member of the Taryba wished for the plebiscite. This fact is a more convincing proof than any statistics that the majority of the population is not Lithuanian. On the other hand, from the economic point of view, it can of course be argued that Memel is the port of Lithuania, though, at the same time, it should be pointed out that, until suitable railways have been constructed, this outlet will be of little use except to those parts of the country which are near the Niemen. Memel is in the main the port for the entire basin of that great river — a fact of which further proof is given by statistics. Before the war, when the Niemen was open to Polish and Russian goods, the timber exported at Memel was divided as follows :

Minsk (Russia)	20 %
Szarre (Poland).	20 %
Grodno	20 %
Vilna	15 %
Lithuania	20 %

It is true that since, in 1920, the Kovno Government prohibited the passage of Polish and Russian timber in transit by the Niemen, Lithuania's exports of timber have increased — a result furthered by the absence of competition from Polish timber, which is of better quality. But the Lithuanian authorities proceeded to exploit the forests to an excessive degree, though the Germans had already subjected them to intensive felling during the war. The country cannot long support such treatment, and a serious decrease in the production and exportation of Lithuanian timber is anticipated.

Attention should also be drawn to another point. The port of Memel, like most ports, shows a loss instead of a profit, and therefore constitutes a burden for the State. As a result of its prudent administration by the Allies, the Territory has been so unusually fortunate as not merely to balance its budget, but to obtain a surplus, with which it has been able to carry out important deepening, development and extension works in the port. The most important source of the Territory's revenue, is Customs. Consequently, if by union with Lithuania Memel loses its Customs autonomy, and if the port is not guaranteed the funds which are necessary for its development — or indeed, for its upkeep, — there is every reason to fear that the port, left to itself, will rapidly become silted up. Furthermore, under the Allied administration, the Memel Customs tariff involved only very low import and export duties, and very few restrictions. The Lithuanian Customs system, on the other hand, is ultra-protectionist ; import duties run as high as 50 % *ad valorem*. Export is prohibited, except with the authority of the Lithuanian Minister of Commerce. In any case, all exports are subject to duty — timber exports to a duty of 10 to 25 litas per stere. Transit is prohibited except with the authority of the competent Ministry. Moreover, in practice, every import operation requires a certificate drawn up by the Lithuanian Consul, showing the value of the goods imported. Every imaginable detail is required on the certificate, and if any detail is omitted the rate of duty is increased by 50 %. If the goods do not reach the frontier within a very short time after the certificate has been drawn up, they are not taxed on the purchase price but on the price at the current rate of exchange. The Customs officials are empowered to confiscate and sell by auction all goods the value of which was not correctly declared. Invoices, certificates and declarations — documents which are almost always required — are subject to high registration fees. Trade is thereby hampered not only by the Customs tariffs but also by a peculiarly irritating amount of red tape.

Again, from the political point of view, if we consider general interests, it would, we think, have been better for Memel to remain independent under the supervision of a League of Nations High Commissioner. The gate-keeper of the immense area for which Memel serves as an outlet should not be involved in local quarrels ; he ought to administer the port with prudence and foresight in the interests of all concerned.

From every point of view — the general interest, the upkeep of the port, the development and prosperity of the Territory — the Commission is of opinion that by far the best solution would have been the constitution of Memel as an independent State under the supervision of a High Commissioner.

The Commission is, however, aware that the Memel question cannot be settled according to abstract principles and that, in the minds of the Lithuanians, absorbed as they were by the idea of restoring the greatness of Lithuania, the hopes raised at Kovno by the Supreme Council's reply to Count von Brockdorff-Rantzau on June 16th, 1919, represented a kind of undertaking that Memel would be united to Lithuania.

The union was a political necessity, unless the Allies had been prepared to adopt a strong policy towards the Kovno Government and to compel it to grant freedom of transit along the Niemen. But it is the duty of the Allies, as trustees of the Territory under the Treaty of Versailles, to see that the union so operates as to enable the port to continue to fulfil its important mission as the outlet of the Niemen Basin.

In its decision, communicated to the Kovno Government and to the Memel Government, the Conference of Ambassadors carefully specified the conditions upon which the sovereignty of Memel would be transferred to Lithuania, but it could not deal with every detail, and the Commission desires to draw the Conference's attention to certain minor points.

At its meeting on January 25th, the Seim at Kovno received with enthusiasm the news that the Taryba at Heydekrug had voted in favour of the union of the "Territory" with Lithuania, subject to guarantees as to legislative, judicial, scholastic, religious and agrarian autonomy, and autonomy in social legislation, public welfare and domestic affairs. Other important questions, however, such as the questions of Customs, nationality and officials, were not mentioned in the manifesto.

These questions should be dealt with in the organic Statute of the Territory and in the convention to be concluded with Lithuania in conformity with the Conference's decisions. The Commission proposes briefly to examine these questions.

In the first place, the Commission thinks it advisable to point out that the transfer of the sovereignty over a country does not necessarily imply a Customs union. Before the war, Finland formed part of Russia, but she enjoyed complete independence in the matter of Customs duties. It is desirable that the Territory should also have control over its own tariffs, since the Customs are the principal source of its revenue, and the upkeep and development of the port require considerable sums of money. Should, however, the Kovno Government refuse — as it probably will — to make concessions on this point, the Conference should insist on the necessity of allotting a portion of the Customs receipts to the port of Memel, in order to ensure to it the necessary funds for its upkeep.

The Convention of November 24th, 1922, which lays down the terms for the admission of the Free City of Danzig into the Polish Customs Union, might be consulted with advantage. It was established by a contract between the two parties that the Customs receipts of Poland and the Free City of Danzig should be pooled, but the amount received by the Free City is in proportion to five times its population. It was found by calculation that more goods were imported by one inhabitant of Danzig than by five Poles. A similar proportion in regard to Customs receipts might be established in the case of Memel, having regard to the value of goods imported and exported per head of the population in Memel and Lithuania. Taking the first six months of 1922, we find that the value of goods imported into Lithuania per head of the population was 490 marks and the value of goods exported 321 marks, whereas the corresponding figures for Memel were 4,430 marks and 3,307 marks. It follows that the amount imported during that half-year by one inhabitant of Memel is equal to the amount imported by 9.4 Lithuanians, while the amount exported is equal to that exported by 11.2 Lithuanians. Taking the approximate average of these figures, we should multiply the Memel share by ten in order to obtain the proportion of the Customs receipts which should be allotted to Memel.

The question of Memel nationality is also very delicate. Should it prove difficult to confer upon the people of Memel a nationality other than Lithuanian, it would be possible, on the analogy of what was done in Galicia, to provide, at all events, that the inhabitants of Memel should be given Lithuanian passports with a note to the effect that the holder's place of origin is Memel. These passports should only be issued by the Memel authorities, as they alone are in a position to verify with certainty the details regarding the birth and residence of their nationals.

The question of State property is also of great importance, in view of the fact that the Memel budget shows the State forests as the second source of the Territory's revenue. It would therefore be desirable that goods and property formerly belonging to the Empire should be transferred not to Lithuania but to the Territory. The Kovno Government has always administered the forests, and continues to administer them, with such lack of foresight and such ignorance of forestry that the application of its unsatisfactory methods to the forests of the Territory would be most regrettable.

The question of officials is another matter worthy of attention. There is no reason why Lithuanian officials should not be appointed at Memel, provided that the people of Memel were not entitled on grounds of reciprocity to demand admission into the Lithuanian public services — which might lead to serious consequences. The German population of the Territory, being better educated and more intelligent than the Lithuanians, would quickly reach the

highest positions, and would thus further strengthen the hold of the Reich over Lithuania. Under these circumstances, it would seem preferable that Memel should retain its own officials. The admission of Lithuanian officials and officials of German nationality and race into the public services of the Territory should therefore be prohibited, or at all events carefully restricted.

These are the suggestions which the Commission wishes to lay before the Conference of Ambassadors. The Commission is aware that under the present circumstances it will be extremely difficult to induce the Lithuanians to accept them. The latter will not welcome Allied intervention in their relations with the Territory, for their ultimate object is annexation pure and simple. The Commission has been in contact with the Lithuanians long enough to know that negotiation with them is exceedingly difficult. They are impervious to reason and recognise no argument but force. Obstinate and defiant, they pursue their immediate aims with an eagerness which makes them blind to their true interests.

Moreover, the Memel question is so closely bound up with the question of the Polish-Lithuanian frontier that the former cannot be settled before the latter, which the Kovno Government regards as essential. Even should the Kovno Government accept an organic Statute for Memel based on the Commission's recommendations, the Commission does not hesitate to say that, until friendly relations are re-established between Kovno and Warsaw, any undertaking given by the Lithuanian Government with reference to the Territory and to freedom of transit will remain a dead letter.

For these reasons, the Commission thinks it desirable to call the attention of the Conference of Ambassadors to the necessity of placing the organic Statute of Memel under the supervision of the League of Nations.

Paris, March 6th, 1923. *(Signed)* CLINCHANT.
ALOISI.
FRY.

P.S. — On January 19th, the British delegate, Mr. Fry, thought it desirable, in his personal capacity, in view of the inexperience of the members of the Gailius Government, to draw their attention to the following points :

In view of the fact that the sovereignty of the Territory is not to be transferred to Lithuania until that country has accepted the organic Statute drawn up at Paris, the Principal Allied Powers will not allow any modification in the monetary, Customs, postal or other systems of the Territory, or in existing international engagements, until that transfer has taken place.

The Principal Allied Powers reserve the right to call for changes in the composition of the Memel Delegation which is to be sent to Paris to assist in drawing up the Statute, should that Delegation fail to represent the two principal elements in the population of the Territory.

Mr. Fry added that, until the transfer had taken place, no person should be expelled from the Territory except for extremely serious offences, nor should any foreign Consul be disturbed or impeded in the exercise of his duties, and that, in general, the Provisional Government would be held responsible for all infringements of these rules.

(k) REPORT (DATED JULY 25TH, 1923) OF THE COMMISSION INSTRUCTED BY THE CONFERENCE OF AMBASSADORS TO PREPARE A DRAFT CONVENTION WITH LITHUANIA TO SETTLE THE CONDITIONS FOR THE TRANSFER OF THE SOVEREIGNTY OF THE MEMEL TERRITORY.

The Commission instructed by the Conference of Ambassadors to draw up, with the Lithuanian and Memel Delegations, a draft Convention, in conformity with the decision of February 16th, 1923, fixing the conditions laid down by the Allied Powers for the transfer to Lithuania of the sovereignty over Memel, has the honour to communicate to the Conference the result of its deliberations.

The Commission states with regret that it has been unable to reach an agreement with the Lithuanian and Memel Delegations.

After laborious discussion, agreement was reached on a large number of articles, but differences of opinion continued to exist on points which the Commission regards as essential.

The Commission transmits to the Conference the latest proposals made on this subject by the Lithuanian Delegation, proposals which M. Galvanauskas declares to be his Delegation's last word. The Commission considers that the Lithuanian proposals are unacceptable, as they are incompatible with the conditions laid down by the Allied Powers in their decision of February 16th, 1923, for the transfer to Lithuania of the sovereignty over the territory of Memel.

The Memel Delegation — consisting of the President, M. Gailius, formerly Lithuanian Minister at Riga, and now head of the Memel Government ; a Memel delegate of Lithuanian origin ; and the President of the Memel Chamber of Commerce, representing the German element and commercial interests — did not take a very active part in the discussions, in contrast with the attitude it had adopted last autumn at the Committee of Enquiry, which had been instructed to hear the opinions of the various delegations concerned as to the organisation of the regime to be established in the Memel Territory. It is therefore mainly by referring to the

statements made by the Memel Delegation in October and November last before the Inter-Allied Committee of Enquiry, and to the information furnished by the Extraordinary Commission sent to Memel by the Allied Governments in January last, that we were able to obtain some idea of the real wishes of the inhabitants of Memel and the economic requirements which had to be met.

In these circumstances, the Commission has the honour to submit to the Conference a Draft Convention which appears to it to be entirely in accordance with the views of the Allied Powers. It is intended that this Convention shall be completed by a protocol, the text of which is also attached, and that signature of the Convention should be made conditional upon the signature of the Protocol.

It became clear during the course of this discussion that the Lithuanian Delegation had been governed by political considerations in endeavouring to evade the economic conditions the fulfilment of which is considered by the Commission to be indispensable if the port of Memel is to become, in conformity with the decision of February 16th, 1923, the natural outlet of the Lithuanian and Polish regions comprised in the basin of the Niemen.

The Conference is aware that, in spite of the conditions submitted to it, the Lithuanian Government is firm in its refusal to apply Articles 331-345 of the Treaty of Versailles. The statements made by M. Galvanauskas clearly show that he intends to persist in this attitude and to continue to prohibit free transit between Poland and Memel. The President of the Lithuanian Delegation has more than hinted that he would be prepared to consider accepting, apart from the Convention and in a separate protocol, an undertaking to restore freedom in the lumber trade ; but he proposes to maintain the prohibition of all other forms of transit both of goods and passengers. The Commission has obtained a definite impression that the Lithuanian Government will invoke all possible pretexts in order to avoid the obligations which the Convention imposes upon it, particularly as regards freedom of transit, as long as it continues to observe its present attitude towards Poland. The President of the Lithuanian Delegation has declared that Lithuania is in a state of war with Poland and that the Lithuanian Government cannot agree to any act which might be interpreted as a recognition, even indirect or implicit, of Polish sovereignty over the Vilna district.

Its object is clearly to obtain by the signature of the Convention a deed legally conferring upon Lithuania the sovereignty over the Territory of Memel. It doubtless imagines that if, subsequently, the clauses of the Convention were not observed by Lithuania, she would, whatever protests might be made or whatever action might be taken, keep the legal right she desires.

The Commission has come to the conclusion that it would be very dangerous, both to peace and to the prosperity of the port of Memel and the regions for which it provides an outlet, to countenance this manœuvre. Moreover, the Memel Territory is under the sovereignty of the Allied Powers. Lithuania has taken possession of this region by force. The Powers only intend to transfer to her the sovereignty over this territory for certain reasons which necessitate the detachment of the territory from Germany, namely, the need of ensuring that the port of Memel shall be utilised by the Lithuanian and Polish hinterlands of which it is the natural outlet, and the traffic of which was formerly artificially diverted either to Königsberg, Libau or Riga. The Commission is therefore of opinion that Lithuania must be requested, as a preliminary condition to the transfer of sovereignty, to re-establish transit between Memel and Poland.

It should be pointed out, moreover, that the Convention can only be applied when it has been ratified by all the signatories, which may involve a somewhat lengthy delay. The re-establishment of transit between Memel and Poland cannot be deferred for so long.

These are the reasons which have led the Commission to propose that the necessary steps should be taken : (1) to induce Lithuania to re-establish transit between Memel and Poland without waiting for the signatory Governments, other than the Lithuanian Government, to ratify the Convention ; (2) to lay down that the Principal Allied and Signatory Powers shall not execute the Convention, which implies the transfer of the sovereignty to Lithuania, until the latter has re-established this transit.

The Draft Convention includes first of all Articles establishing a political regime for the Memel Territory, which is placed under the sovereignty of Lithuania, but given autonomy in conformity with the decision of February 16th.

The Commission has taken all necessary care to ensure that this regime should operate in complete harmony with the Convention. With this object it has laid down, in particular, the conditions on which Treaties and Conventions, negotiated by Lithuania, should be applicable to the Memel Territory. The Articles in question, which will form the Constitution of the Territory, establish a representative and democratic system, provide that the two languages in use shall both be recognised as official, lay down the principle of the equality of all the inhabitants, the liberty of the press and the right of assembly, and provide for equality of treatment as between nationals and foreigners in the exercise of civil rights and in commerce (paragraph 2 of the decision of February 16th).

Subsequent Articles of the Convention establish the regime of the port and the transit regime. The system which the Commission proposes is in absolute conformity with paragraph 3 of the decision of February 16th.

The Commission must point out at this juncture that the Lithuanian Delegation has raised as many difficulties concerning the regime of the port as it has with regard to transit. Although the Commission had at first, in conformity with the terms of the decision of February 16th, established an autonomous administration for the port, appropriate to the needs of Memel trade and in accordance with the views of the Conference, and had modified this scheme to a considerable extent in order to spare Lithuanian susceptibilities as far as possible, the Lithuanian

Delegation continued to insist upon a regime that did not offer the guarantees essential to the execution of the decision of February 16th. The Commission considers that in this direction it has reached the extreme limit of possible concessions, and that it cannot modify or weaken the arrangements which it has proposed without causing an irreparable breach of the conditions laid down in the decision of February 16th.

Moreover, the Convention provides, in conformity with paragraphs 4 and 5 of the decision of February 16th, for the repayment by the Territory of Memel, under Lithuanian guarantee, of the sums advanced for its administration and occupation and not yet recovered ; it also provides for the transfer of the goods and property situate in the Memel Territory and formerly belonging to the Empire or the German States, provided that Lithuania assumes the charges imposed by Articles 254 to 256 of the Treaty of Versailles.

The inhabitants of the Territory are exempted from military service until 1933.

Certain clauses provide for the revision of the provisions of the Convention, which is divided for this purpose into two parts. The clauses concerning the internal administration of Memel may be revised under certain conditions by the Memel Chamber, with the approval of the Lithuanian Diet. On the other hand, all clauses which concern the application of general principles (equality of citizens, employment of languages, equality as between nationals and foreigners, property, etc) or the economic regime which is the very reason for the existence of the Territory of Memel, can only be revised with the consent of the Council of the League of Nations and of the Lithuanian Government.

In neither case may revision take place before the expiration of a period of five years. It appeared necessary to provide in this way against premature attempts which might be made for purely political reasons, and before the regime organised by the Convention had been given a fair trial.

Provision has been made for reference to the League of Nations, in case the Convention is violated, under the conditions laid down in the Minorities Treaties. It is also laid down that differences of opinion concerning questions of law or of fact connected with the application of the Convention may be laid before the Council of the League of Nations.

Special procedure is provided for in certain cases. In the case of the Economic Supervisory Council established in connection with the Harbour Board, any one of its members may appeal against the decisions taken by the majority.

In conformity with the instructions received from the Conference, the Commission interviewed the Delegates of the Polish Government. It is glad to state that, although they had formulated requests which could not be complied with, they finally recognised that the draft Convention proposed by the Commission furnished guarantees for the economic interests of Poland, trough they maintained that these guarantees were an absolute minimum.

The Commission has the honour to propose to the Conference of Ambassadors that, if it adopts the Draft Convention and the Protocol attached thereto, the Conference shall inform the Lithuanian Government that the Principal Allied Powers consider that these two drafts are the only ones which satisfy the conditions laid down by the decision of February 16th, 1923, for the transfer to Lithuania of the sovereignty over the Memel Territory. Accordingly, it is suggested that the Conference should invite the Lithuanian Government to sign these two Acts. The Conference should add that, if within one month the Lithuanian Government has not notified the President of the Conference of his readiness to sign these two Acts without modification or reservation, the Principal Allied Powers will reserve the right to lay the question before the Council of the League of Nations, in application of Article 11, paragraph 2, of the Covenant of the League of Nations.

The Commission proposes that the Conference should now decide that, if the Lithuanian Government has not expressly stated within one month that it is prepared to sign the Convention and the Protocol on the above conditions, it will lay the question before the Council of the League of Nations and explain to it the efforts which have been made to arrive at an equitable solution of a situation which is rendered particularly serious by the forcible intervention of the Lithuanian Government, its disregard for the sovereign rights of the Principal Allied Powers, and its intractability of the question of the organisation of the port and that of Polish transit, which is based on its general attitude towards Poland and that the Conference considers this situation likely to disturb the friendly relations between nations upon which peace depends.

Done at Paris on July 25th, 1923. *(Signed)* J. LAROCHE,

Chairman of the Commission.

DRAFT CONVENTION AND PROTOCOL CONCERNING THE TRANSFER TO LITHUANIA OF THE RIGHTS OF SOVEREIGNTY OVER THE MEMEL TERRITORY.

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(1) Covering Letter from the President of the Conference of Ambassadors to the Prime Minister of the Lithuanian Republic *(August 8th, 1923.)*

Your Excellency,

On behalf of the Governments of the British Empire, France, Italy and Japan, I have the honour to forward to Your Excellency herewith the Draft Convention and Protocol approved

by the Conference of Ambassadors, the signature of which the Powers consider essential as a condition for the transfer to Lithuania of the rights of sovereignty over the Memel Territory, which they hold in virtue of Article 99 of the Treaty of Peace of Versailles.

The Allied Governments consider that the principles laid down by the decision of the Conference of Ambassadors dated February 16th, 1923, have been liberally and generously applied in the Convention and Protocol which are submitted to-day to Your Excellency for approval Being convinced that, after the protracted discussions which have already taken place, new negotiations could only result in further delaying the settlement of the question, which has already been too long postponed, they request the Government of the Lithuanian Republic to inform them within a period of one month from the date of the present letter whether it is prepared to sign without amendment or reservation the Acts which are appended.

The Allied Governments are convinced that the Lithuanian Government will not compel them to bring the situation created at Memel to the attention of the Council of the League of Nations in accordance with Article 11 of the Covenant.

(Signed) POINCARÉ.

(m) Draft Convention.

The British Empire, France, Italy and Japan, signatories with the United States of America, as the principal Allied and Associated Powers, to the Treaty of Peace of Versailles, of the one part ;

And Lithuania of the other part :

Considering that under Article 99 of that Treaty, Germany has renounced in favour of the principal Allied and Associated Powers all rights and titles to the territories lying between the Baltic Sea, the north-eastern boundary of East Prussia, as described in Article 28, Part 2 (boundaries of Germany) of the said Treaty, and the former frontier between Germany and Russia ;

And that the said Powers have decided to transfer the above-mentioned territories on the following conditions to Lithuania, who accepts these conditions :

Have agreed to conclude a Convention to this effect and have appointed as their plenipotentiaries for this purpose :

His Majesty the King of the United Kingdom of Great Britain and Ireland,
The President of the French Republic,
His Majesty the King of Italy,
His Majesty the Emperor of Japan,
The President of the Lithuanian Republic,

who have agreed to the following provisions :

Article 1. — The British Empire, France, Italy and Japan, signatories with the United States of America as the principal Allied and Associated Powers to the Treaty of Versailles, transfer to Lithuania, subject to the conditions specified below, all the rights and titles ceded to them by Germany in virtue of Article 99 of the Treaty of Versailles over the territory lying between the Baltic Sea, the north-eastern frontier of East Prussia (as described in Article 28 of the said Treaty and as defined in particular by the letter sent on July 18th, 1921, by the President of the Conference of Ambassadors of the Allied Governments at Paris to the German Embassy at Paris) and the former frontier between Germany and Russia, the said territory being described in the present Convention as "the Memel Territory".

Article 2. — The Memel Territory shall constitute under the sovereignty of Lithuania a territory enjoying legislative, judicial, administrative and financial autonomy within the limits prescribed in the present Convention.

The Government of the Lithuanian Republic shall be represented at Memel by a Governor appointed by the President of the Republic.

The Council of the Ministers of the Lithuanian Republic shall include a Minister for the Affairs of the Memel Territory.

Article 3. — Subject to the provisions of Article 7 below, the following matters shall come within the competence of the local authorities of the Memel Territory :

(1) Organisation and Administration of Communes and Districts.
(2) Public Worship.
(3) Public Education.
(4) Public Relief and Health, including Veterinary Regulations.
(5) Social Welfare and Labour Legislation.
(6) Local Railways, except those belonging to the Lithuanian Government ; roads, local Public Works.
(7) Regulations in respect of foreigners.
(8) Police, subject to provisions of Article 21.
(9) Civil Legislation (including proprietary rights) and Criminal, Agrarian, Forestry and Commercial Legislation ; Stock Exchange Regulations ; Credit Establishments and Insurance shall, however, come within the competence of the Lithuanian Government which shall previously come to an agreement on these matters with the Directorate of Memel.

(10) The acquisition of rights of citizenship, subject to the provisions of Article 28.

(11) Organisation of the judicial system, subject to the provisions of Articles 23 and 24.

(12) Direct and indirect taxes levied in the Territory, with the exception of Customs Duties, Excise Duties and Commodity Taxes.

(13) Administration of Public Property belonging to the Memel Territory.

(14) Regulation of timber floating and navigation on the canals and on the waters of the Chicha, Jura, Minia and Wirwicha.

(15) Registration of the trading vessels of the Memel Territory.

The laws of Lithuania may extend the competence of the authorities of the Memel Territory to other matters.

Article 4. — The affairs which, under the present Convention, are not within the jurisdiction of the local authorities of the Memel Territory shall be within the exclusive jurisdiction of the competent organisations of the Lithuanian Republic.

Article 5. — The election of deputies for the Memel Territory to the Lithuanian Diet shall take place in conformity with the Lithuanian Electoral Law.

Article 6. — In the absence of provisions to the contrary in the present Convention, the local authorities of the Memel Territory shall exercise in conformity with the principles of the Lithuanian Constitution the powers conferred upon them by the said Convention.

Article 7. — The measures taken by the Lithuanian legislature in execution of international treaties and conventions shall be applicable to the Memel Territory in so far as the said treaties and conventions are not contrary to the present Convention ; nevertheless, in the event of their applying to affairs which, by virtue of Article 3, come within the competence of the local authorities of the Memel Territory, it shall be for the latter to take the necessary measures for the application of the said international agreements.

Article 8. — Within a period of one month from the coming into force of the present Convention, negotiations shall be entered into between the Lithuanian Government and the local authorities of the Memel Territory for the purpose of determining the percentage of the net yield of the Customs duties, Excise duties and Commodity taxes which shall be assigned to the Memel Territory. In determining this percentage account shall be taken : (1) of the average value of imports and exports per head of the population in the Memel Territory and in the other parts of Lithuania respectively during the years 1921 and 1922, (2) of the additional revenue and expenditure which the transfer of sovereignty over the Memel Territory to Lithuania involves for the Lithuanian Government.

The percentage thus determined may be revised by the Lithuanian Government in agreement with the local authorities of the Memel Territory.

Article 9. — Exequaturs shall be granted by the Lithuanian Government to the Foreign Consuls at Memel after consulting the authorities of the Territory.

Article 10. — Passports shall be delivered to citizens of the Memel Territory by the authorities of the Territory on behalf of the Lithuanian Republic and in accordance with the regulations established by the Lithuanian Government.

In the passports shall be mentioned both the Lithuanian nationality of the bearer and his status as citizen of the Memel Territory.

Article 11. — Legislative power in the Memel Territory shall be exercised by the Chamber of Representatives.

Laws passed by the Chamber must be promulgated by the Governor within a period of one month from the date on which the law has been submitted to him, unless within this period, the President of the Republic shall have exercised his right of veto under Article 19. This period shall be reduced to fifteen days in the case of laws the promulgation of which has been declared urgent by special vote of the Chamber.

The laws shall be countersigned by the President of the Directory or his substitute.

Article 12. — The Members of the Chamber of Representatives shall be elected for three years by the citizens of the Memel Territory in conformity with the Lithuanian Electoral Law in the proportion of one deputy per five thousand inhabitants, or for any fraction exceeding two thousand five hundred inhabitants.

Only citizens of the Memel Territory shall be eligible.

Article 13. — The Chamber of Representatives shall meet fifteen days after the election of its members. During the succeeding years of its term it shall meet in ordinary session on the fourth Monday in January. Ordinary sessions shall have a duration of not less than one month.

The Chamber may also be convoked in extraordinary session by the Governor in agreement with the Directorate.

The closure or adjournment of extraordinary sessions shall be declared by the Governor in agreement with the Directorate.

The Chamber must be convoked by the Governor when at least one-third of its Members demand it.

The Chamber may be dissolved by the President of the Lithuanian Republic in agreement with the Directorate. The elections to the new Chamber shall take place within six weeks from the date of dissolution.

Article 14. — The Chamber of Representatives shall draw up its own regulations ; it shall elect its President and its officers.

Article 15. — No Member of the Chamber of Representatives of the Memel Territory may be prosecuted or in any way molested on the territory of the Lithuanian Republic on account of his speeches, opinions, or votes in the Chamber or in any of its Committees.

No Member of the Chamber may, during the session, be arrested or prosecuted in a court of law without the authority of the Chamber, except when apprehended *in flagrante delicto.*

Article 16. — An Economic Council of the Memel Territory shall be set up, composed of :

(1) The President of the Directorate.
(2) The Chief Burgomaster *(Oberbürgermeister)* of the Town of Memel.
(3) The President of the Chamber of Commerce.
(4) A District Officer *(Landrat)* elected by the District Officers of the Territory.
(5) The President of the Chamber of Agriculture.
(6) The President of the Workmen's Cartel.

The Council will elect its President and its officers.

No member of the Economic Council may be prosecuted or in any way molested on the territory of the Lithuanian Republic on account of his speeches, opinions or votes in the Council or in any of its Committees.

Article 17. — The right of initiating legislation shall belong equally to the Chamber of Representatives, the Economic Council and the Directorate provided for in Article 20.

Article 18. — Before being discussed by the Chamber of Representatives, all bills must be submitted to the Economic Council.

The Economic Council shall, within a period of one month, give its opinion on the bills submitted to it.

Article 19. — The President of the Lithuanian Republic shall, within the time limit prescribed in Article 11, have the right to veto laws passed by the Chamber of Representatives of the Memel Territory if these laws exceed the competence of the authorities of the Territory as laid down by the present Convention, or if they are incompatible with the provisions of Article 6.

Article 20. — The executive power shall be exercised by a Directorate composed of citizens of the Memel Territory and consisting of not more than seven members, including the President. The President shall be appointed by the President of the Lithuanian Republic ; he will select the other members of the Directorate. The appointment of these members shall be made public by a Decree of the President of the Lithuanian Republic.

The Members of the Directorate shall have the right of entry both to the Chamber of Representatives and to the Economic Council. They shall have the right to be heard by the Chamber and by the Council when they request it.

The Directorate must possess the confidence of the Chamber. The Directorate and each of its members individually shall be obliged to resign if the Chamber refuses them its confidence.

Article 21. — The maintenance of public order shall be assured by a local police force responsible to the authorities of the Memel Territory ; in case of need, the latter may apply to the Lithuanian Government for assistance.

The frontier police and the Customs and railway police shall be under the direct authority of the Lithuanian Republic.

Article 22. — The judges shall be appointed by the Directorate. They shall be appointed for life and may only be dismissed on the motion of that section of the Lithuanian Court of Appeal which is competent to deal with the affairs of the Memel Territory, and which will pass sentence in such cases in its capacity of Supreme Disciplinary Council of Magistrates.

Article 23. — The Lithuanian Court of Appeal shall have jurisdiction over the whole of the territory of the Lithuanian Republic, including the Memel Territory.

It shall comprise a special section for the affairs of the Memel Territory ; this section shall be mainly composed of judges drawn from the magistrates of the Memel Territory and it may hold its sessions in the Town of Memel.

Article 24. — The Tribunal of the Territory *(Landesgericht)* and the Higher Tribunal *(Obergericht)* shall each be composed of two courts.

Should a sentence delivered by one of these Tribunals be quashed by the Court of Appeal, the suit shall be referred back to the same Tribunal and shall be judged by the court which has not yet heard it.

Article 25. — Elections to the Communal and District Assemblies shall be held in accordance with the laws of the Memel Territory.

The electoral laws shall be drawn up on democratic principles.

Article 26. — Former German nationals over eighteen years of age on the date of the coming into force of the present Convention, who have actually been domiciled in the Memel Territory at least since January 10th, 1920, shall *ipso facto* acquire Lithuanian nationality and the status of citizens of the Memel Territory.

The following may opt for Lithuanian nationality within a period of six months from the date the present Convention comes into force, on condition that they renounce all other nationality :

(a) All persons over eighteen years of age on the date the present Convention comes into force, if they were born in the Territory and have resided therein for more than ten years.

(b) All persons over eighteen years of age on the date the present Convention comes into

force who were granted a permanent permit of residence by the Inter-Allied Administration, provided that such persons shall have taken up their residence in the Territory not later than January 1st, 1922.

The persons specified in paragraphs *(a)* and *(b)* above shall by their option *ipso facto* acquire the status of citizens of the Memel Territory.

Article 27. — The persons specified in the first paragraph of Article 26 may opt for German nationality within a time-limit of two years from the date the present Convention comes into force.

The duration of this time-limit shall however be reduced to six months in the case of persons who were domiciled in the Memel Territory only in their capacity of Government officials and who acquire Lithuanian nationality in consequence of such domicile.

The term government officials within the meaning of the previous paragraph shall be taken to mean officials who were regarded as such by the German legislation and who are under the direct authority either of the Government of the Lithuanian Republic or of the Directorate *(Unmittelbare Staatsbeamte)*.

Persons exercising the above right of option must transfer their domicile to Germany within the succeeding two years.

They shall be free to retain the immovable property which they possess in the Territory and may export their moveable property of all kinds. They shall be exempted from all export duties or taxes in this respect.

Article 28. — Subject to the provisions of the Lithuanian law on the acquisition of Lithuanian nationality, a law of the Memel Territory shall determine the conditions on which the status of citizen of the Memel Territory may be acquired in future.

For Lithuanian nationals other than citizens of the Memel Territory, the conditions on which the said status may be acquired shall be the same as those laid down in Lithuania for the exercise of all public and political rights.

Article 29. — Married women shall take the nationality of their husbands, and children under eighteen years of age shall take the nationality of their parents for the purposes of the application of the provisions of Articles 27 and 28 above.

Article 30. — All the citizens of the Memel Territory shall be equal in the eyes of the law and shall enjoy the same civil and political rights, without distinction of race, language or religion.

Racial, linguistic or religious differences shall not debar any citizen of the Memel Territory from the enjoyment of civil and political rights, particularly as regards eligibility to public employment, duties and honours or as regards the exercise of the various professions or industries.

Article 31. — The Lithuanian and German languages shall be recognised on an equal footing as official languages in the Memel Territory. No restrictions shall be imposed on the free use of either language, notably in the Press and in publications of every kind and in public meetings. The employment of both languages orally or in writing shall be admitted in the courts of laws. The two languages shall be taught in the public schools.

No restrictions shall be imposed on the use of the Lithuanian and German languages or of any other language in private (commercial or other) relations or in matters connected with religion or public worship.

Article 32. — The curriculum adopted in the public schools of the Memel Territory shall not be of a lower standard than the curriculum followed in schools of the same standing in other parts of Lithuanian territory.

Article 33. — The freedom of meeting and association, the freedom of conscience and the freedom of the Press shall be guaranteed to all the inhabitants of the Memel Territory without distinction of nationality, language, race or religion, subject to the observance of the laws and regulations necessary for the maintenance of public order and the security of the State.

The same shall apply to freedom of teaching and the right of opening schools.

Article 34. — The citizens of the Memel Territory shall not be made subject to any compulsory military service before January 1st, 1933.

Article 35. — Private property shall be respected. Expropriation shall only take place for reasons of public utility and in return for the payment of equitable compensation in advance, in conformity with the laws, and provided that the provisions of the present Convention are not infringed.

The right of companies and associations, including religious and charitable organisations, to own property shall be recognised in principle.

Article 36. — Lithuanian nationals who are not citizens of the Memel Territory and the nationals of foreign Powers, shall receive the same treatment in the said Territory as its own citizens in all that concerns civil rights, trade, including maritime trade, and industry. Lithuania retaining the right to reserve the coasting trade and fisheries in home waters for her own flag.

Nevertheless, within three years from the date of the coming into force of the present Convention, the authorities of the Memel Territory shall have the option of forbidding the acquisition of immovable property bearing the character of illicit speculation. This prohibition must be decreed within a time-limit of twelve days.

Article 37. — No citizen of the Memel Territory may be interfered with or molested on account of his political attitude between July 28th, 1914 and the entry into force of the present Convention.

Article 38. — The Lithuanian Government shall ensure the freedom of transit by sea, by water and by rail, of traffic coming from or destined for the Memel Territory or in transit through the said Territory and shall conform in this respect with the rules laid down by the Statute and Convention on the Freedom of Transit adopted by the Barcelona Conference on April 14th and 20th, 1921, respectively, and in particular with the provisions of Article 13 of the said Statute, indicating the summary procedure to be followed in the event of interruption of transit.

The same freedom of transit shall also be ensured in respect of postal consignments and postal and telegraphic communications.

Article 39. — The Lithuanian Government shall conform in respect of the whole of the Lithuanian territory including the Memel Territory, to the provisions of Articles 331 to 345 of the Treaty of Peace of Versailles concerning the Niemen.

Article 40. — The Port of Memel shall be considered as a port of international concern. The recommendations adopted by the Barcelona Conference concerning ports subject to an international regime shall be applied thereto.

The regulations applying to the handling and transport of explosives shall be those of the German legislation in force on July 28th, 1914. No amendments may be made to these regulations except with the consent of the Harbour Board.

Article 41. — The upkeep and the development of the Port of Memel, the free zone and the public waterways, shall be provided for by the Memel Territory with the financial assistance and guarantee of the Lithuanian Government. An agreement shall be concluded between the Lithuanian Government and the local authorities of the Memel Territory in regard to the allocation of their respective shares of the expenditure incurred.

The administration and working of the Port shall be provided for by a Harbour Board under the direct control of the authorities of the Memel Territory.

Article 42. — With a view to ensuring the execution of the present Convention as regards the protection of the economic interests of Lithuania, Poland and other States utilising the Port of Memel, there shall be attached to the Harbour Board an Economic Supervisory Committee consisting of three members representing the economic interests of the Lithuanian and Polish districts forming part of the basin of the Niemen, namely :

(1) One member appointed by the Directorate of Memel in agreement with the Memel Chamber of Commerce, who will act as Chairman of the Supervisory Committee.
(2) One Lithuanian member, who must not be a citizen of Memel.
(3) One Polish member.

The appointment of the two latter members shall be notified by the Lithuanian and Polish Governments respectively to the Chairman of the Supervisory Committee.

The members of the Committee may appoint substitutes when prevented from attending.

Article 43. — The Committee provided for in Article 42 shall supervise the management of the Port of Memel and it shall be called upon to give its opinion on all questions relating to the administration, working, upkeep, development and utilisation of the Port of Memel, of the free zone and of the railways and navigable waterways, in order to ensure the execution of the relevent clauses of the present Convention.

The Committee may address its recommendations or observations to the Lithuanian Government or to the autonomous administration of the Memel Territory. If they are disregarded, the Committee may refer the matter to the Powers signatory to the present Convention who shall lay it before the Council of the League of Nations.

Moreover, in questions concerning the competence of the Economic Supervisory Committee, any member of the Committee who, in disagreement with the majority, considers that the stipulations of the present Convention have been infringed, may appeal directly to any of the Powers signatory to this Convention with a view to having the dispute laid before the Council of the League of Nations.

Article 44. — The Economic Supervisory Committee shall enter upon its duties within two months from the date of the coming into force of the present Convention. It shall draw up its own regulations. If a unanimous agreement is not reached in respect of the whole or part of these regulations within one month from the date on which the Committee assumes its duties, the principal Allied Powers signatories of the present Convention shall appoint an arbitrator to settle the dispute.

Article 45. — No member of the Economic Supervisory Committee may be interfered with or molested on account of his actions in the discharge of his duties. The Polish member shall personally enjoy diplomatic immunities. The archives of the members of the Committee shall be inviolable.

These provisions shall also apply to substitute members.

The administrative expenses of the Committee, other than the remuneration of the Lithuanian and Polish members shall be borne by the autonomous administration of Memel. The autonomous administration shall place suitable premises at the disposal of the Committee and shall in general grant it all the facilities necessary for its work.

Article 46. — The free zone already existing in the port of Memel shall be maintained and the commerce and traffic in transit of all foreign States shall have the same facilities as home commerce.

Article 47. — The autonomous administration of Memel undertakes to lease for ninety-nine years to the Polish Government, if the latter should request it, the areas necessary for Polish

shipping and commerce, these areas to be placed under the ordinary regime of free zones and to be reserved for goods coming from or destined for Poland, who shall have lumber rights.

If no suitable areas are available for this purpose in the port or town of Memel, the areas necessary for the free zone may be sought outside the port or town.

The boundaries of the ground and areas selected for lease, and the rent to be paid for them, shall be fixed by a Commission composed of one delegate of the Lithuanian Government, one delegate of the autonomous administration of Memel, one delegate of the Polish Government and one delegate of the Principal Allied Powers, the latter to act as chairman. In the absence of an agreement between the delegates of Lithuania, of the Memel Territory and of Poland, the Chairman shall have the casting vote, subject to the approval of the Principal Allied Powers signatories to the present Convention.

The decisions of this Committee may be revised every ten years in conformity with the above procedure.

Article 48. — Timber imported into the Memel Territory to be prepared for re-exportation, especially that coming from the basin of the Niemen, shall be exempt from all customs duties and other charges with the exception of charges to cover the actual expenses of supervision and administration.

Such timber may be prepared for re-exportation in the sawmills and timber yards and on the land areas or stretches of water reserved for the manipulation of wood, even if timber destined for local use is also prepared in such establishments and areas.

The conditions on which the above stipulations shall be applied to timber destined for re-exportation shall be determined by an agreement to be concluded as soon as possible between the Lithuanian Government and the authorities of the Memel Territory, the said agreement to determine both the valuation of the by-products of timber and the conditions of its preparation for re-exportation.

Article 49. — Subject to the provisions of Articles 50 and 51, property situated in the Memel Territory and belonging, on January 10th, 1920, to the German Empire or to the German States, as defined in Article 256, paragraph 2, of the Treaty of Versailles, shall be transferred to the Lithuanian Republic.

Such property, with the exception of railways, posts, telegraphs and telephones, and Custom-houses, shall be transferred by the Lithuanian Government to the authorities of the Memel Territory, the Lithuanian Government being responsible for the carrying out of the obligations it assumes under Articles 50 and 51 of the present Convention.

An agreement shall be concluded between Lithuania and the authorities of the Memel Territory in regard to the transfer of the property specified in the previous paragraph.

Article 50. — Lithuania agrees to assume, both as regards herself and as regards the Memel Territory, the obligations incurred by Powers to which German territory is ceded, under the provisions of Articles 254 and 256 of the Treaty of Versailles of June 28th, 1919, and to ensure the application of the said provisions under conditions to be determined by the Reparation Commission in conformity with the stipulations of Part VIII of the Treaty of Versailles.

Article 51. — The expenses of occupation, administration and half the expenses of delimitation of the territory shall be repaid by the Lithuanian Republic to the Powers which haveh advanced them within a period of one year from the date on which it receives notification of the amount of these expenses.

Article 52. — To ensure payment for the property transferred to it in virtue of Article 49, the Lithuanian Government consents on its own behalf and on that of the Memel Territory to a first mortgage in favour of the Reparation Commission on the property and premises specified in Article 49.

Article 53. — The Customs receipts of the Lithuanian Republic shall be set aside in the first place for the repayment of the expenses mentioned in Article 51 and the surplus for meeting the obligations assumed by Lithuania under Article 50.

Article 54. — The Lithuanian Government and the authorities of the Memel Territory shall conclude an agreement regulating the conditions on which the premises required by public services, other than those specified in the present Convention, which may be established by Lithuania at Memel, shall be placed at the disposal of the Lithuanian Government.

Article 55. — The tariffs applied on railways and ships to passengers and goods and the postal, telegraphic and telephonic charges, in the Memel Territory, shall not be higher than the tariffs applied and the charges made for the same purposes in the other parts of Lithuania.

The tariffs applied on the Lithuanian railways to passengers and goods coming from or destined for the Memel Territory shall in no case exceed those applied to passengers and goods in respect of any other journey of the same length in another part of the Lithuanian railway system.

Article 56. — The Lithuanian Government undertakes to recognise the acquired rights of the officials and employees in the public services who are under its own authority but who perform their duties in the Memel Territory, and to retain those who possess the status of citizens of the Memel Territory and who were in the service on January 1st, 1923.

This stipulation may not, however, be invoked by the officials specified in paragraph 2 of Article 27 who have availed themselves of their right to opt in favour of Germany.

The officials and employees in the service of the Lithuanian administration who are citizens of the Memel Territory shall be subject to the same rules and shall enjoy the same privileges as the officials and employees of the other parts of Lithuania.

Article 57. — The Lithuanian Government makes itself responsible for the recognition on the part of the authorities of the Memel Territory of the acquired rights of all the officials and employees not specified in Article 56 employed in the Memel Territory on January 1st, 1923.

In future the officials and employees of the Territory shall be recruited, as far as possible, from among the citizens of the Territory.

Article 58. — The sentences pronounced respectively by the Courts of the Memel Territory and by the other Lithuanian Courts shall have force of law in the whole territory of Lithuania, including the Memel Territory.

The same shall apply to warrants of arrest delivered by the authorities of the Memel Territory and by the authorities of the other parts of Lithuania respectively.

Article 59. — The citizens of the Memel Territory shall have all the recognised civil rights enjoyed by the other nationals of Lithuania.

Lithuanian nationals who are not citizens of the Memel Territory shall have in the said Territory all the recognised civil rights enjoyed by the citizens of the Memel Territory.

Article 60. — Rights of sovereignty over the Memel Territory or the exercise of such rights may not be transferred without the consent of the High Contracting Parties.

Article 61. — The constitutional organisation of the Memel Territory resulting from Articles 2 to 48 may not be modified before five years have elapsed from the date on which the present Convention comes into force.

Articles 2 to 29 may only be amended by a law of the Memel Territory adopted by a two-thirds majority of the Chamber of Representatives and approved by the Lithuanian Diet.

Articles 30 to 48 may only be amended with the consent of the Council of the League of Nations and of the Lithuanian Government.

Article 62. — The High Contracting Parties declare that any Member of the Council of the League of Nations shall be entitled to draw the attention of the Council to any infraction of the provisions of the present Convention.

In the event of any difference of opinion in regard to questions of law or of fact concerning these provisions between the Lithuanian Government and any of the Principal Allied Powers Members of the Council of the League of Nations, such difference shall be regarded as a dispute of an international character under the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that all disputes of this kind shall, if the other party so requests, be referred to the Permanent Court of International Justice. There shall be no appeal from the Permanent Court's decision, which shall have the force and value of a decision rendered in virtue of Article 13 of the Covenant.

Article 63. — The elections to the Chamber of Representatives referred to in Article 12 shall take place within six weeks from the date of the coming into force of the present Convention. The Chamber will meet fifteen days after the elections.

Only inhabitants of the Memel Territory over twenty-one years of age may take part in these elections provided :

(1) that, having acquired Lithuanian nationality on the conditions specified in Article 26, paragraph 1, they do not opt for German nationality before the date of the elections ;

(2) that at least fifteen days before the elections they opt for Lithuanian nationality on the conditions specified in Article 26 *(a)* and *(b)*.

The Economic Council, like the Chamber, shall meet fifteen days after the elections.

Article 64. — The present Convention shall be ratified and the ratifications shall be deposited in Paris as soon as possible. It shall come into force as soon as the ratifications have been deposited.

In faith whereof the undersigned have signed the present Convention.

Done at Paris, on ..... in a single copy, which shall remain in the archives of the Government of the French Republic, an authentic copy to be delivered to each of the Signatory Powers by the latter.

(n) Draft Protocol to be signed at the same time as the Convention.

The British Empire, France, Italy and Japan, Signatories, with the United States of America, as the Principal Allied and Associated Powers to the Treaty of Versailles,

Considering that the Powers Signatory to the Treaty of Versailles, in detaching the Memel Territory from Germany, signified their recognition of the port of Memel as the natural outlet of the Lithuanian and Polish districts belonging to the basin of the Niemen ;

Considering that it is of urgency that peaceable commerce should be allowed to utilise the port of Memel to the full and that to this end the freedom of traffic on the waterways and railways serving the port should be restored without delay ;

Declaring that they will not proceed to deposit their respective ratifications to the Convention concluded at Paris between Lithuania and themselves on
until Lithuania re-establishes freedom of navigation on the Niemen in conformity with the provisions of Chapter III, Part XII, of the Treaty of Versailles, the acceptance of which by the Lithuanian Government was a condition of the recognition of the Lithuanian Republic by the Principal Allied Powers on December 20th, 1922 :

Declare, notwithstanding, that, without waiting for this Convention to be put into force, they are willing to raise no objection to the Lithuanian Government's exercising in fact, immediately it has ratified the Convention, the various rights of sovereignty over the Memel Territory, as defined in the Convention, on the express condition that it conforms in general with the obligations imposed on it by the Convention, and in particular that it first restores the freedom of communications by waterways navigable for vessels or rafts, and by railways, as well as the freedom of postal and telegraphic communications between Memel and the Lithuanian and Polish districts in such manner that free traffic destined for, coming from, or in transit through, Memel are ensured.

Lithuania, being equally desirous to contribute to the restoration of normal economic conditions and to the prosperity of the Memel Territory, declares its acceptance of the preceding stipulations.

Done at Paris on.....

[C. A. 223 (XII).]

(o) RESOLUTION ADOPTED BY THE CONFERENCE OF AMBASSADORS' *dated July 27th*, 1923.

THE MEMEL QUESTION.

The Conference decides :

1. That the Draft Convention and Draft Protocol prepared by the Committee appointed to draw up the Statute of the Memel Territory be approved, subject to the observations which may be made by the Drafting Committee.

2. That these drafts shall be communicated to the Lithuanian Government, which shall be informed that they embody the conditions attached by the Decision of February 16th, 1923, to the transfer of sovereignty over the Memel Territory to Lithuania, and that the Conference therefore calls upon the Lithuanian Government to sign these two Acts.

3. That the Lithuanian Government at the same time be notified that if, within a period of one month, it has not informed the President of the Conference of Ambassadors of its willingness to sign without modification or reservation the Acts submitted to it, the Principal Allied Powers reserve the right to lay the question before the Council of the League of Nations under the provisions of paragraph 2 of Article 11 of the Covenant of the League of Nations.

4. That paragraphs 1, 2 and 3 above shall be communicated confidentially to the Polish Government.

5. The Conference decides in advance that if the Lithuanian Government has not given its consent within the prescribed period, it will immediately lay the matter before the Council of the League of Nations under the provisions of paragraph 2 of Article 11 of the Covenant.

(p) TELEGRAM FROM THE FRENCH REPRESENTATIVE AT KOVNO TO THE CONFERENCE OF AMBASSADORS *(September 21st*, 1923, 9.14 *p.m.)*.

[*Translation.*]

M. Galvanauskas handed me to-day the Lithuanian Government's reply to the Conference of Ambassadors' letter dated August 9th, 1923. This reply consists of a letter, a memorandum (Annex 1), a Draft Convention (Annex 2) and a Protocol (Annex 3).[1]

The principal concessions made by the Lithuanian Government are connected with the question of acquiring immovable property and the question of the floating of timber.

On the other hand, the Lithuanian Government has amended the Articles relating to the Supervisory Committee ; it rejects the German regulations in regard to explosives and Articles 47, 48 and 53 of the Convention.

In regard to Article 51, the Lithuanian Government proposes that the expenses should be fixed by a Special Committee including Lithuanian Delegates, it being understood that Lithuania's capacity to pay should be taken into account.

The Lithuanian Government submits the following considerations : the Draft Convention drawn up by the Conference of Ambassadors exceeds the obligations contracted by the Lithuanian Government when it accepted the Decision of February 16th, 1923. The point at issue is therefore the question as to the interpretation to be given to that decision. The Lithuanian Government proposes that the question should be referred to the Permanent Court of International Justice at The Hague under Article 12 of the Covenant.

The Prime Minister has assured me that this Note contains the utmost concessions the Lithuanian Government is able to make. It is the outcome of three days' discussion with the Diet's Committee on Foreign Affairs.

M. Galvanauskas read me the instructions which he is sending to-day to M. de Milosz to the effect that he should forward a verbal Note summarising the views and directions communicated to me by M. Galvanauskas.

PADOVANI.

[1] These documents are contained in Document C. 678. M. 296. 1923. VII.